

Assembly Bill No. 1675

Passed the Assembly August 25, 2003

Chief Clerk of the Assembly

Passed the Senate August 19, 2003

Secretary of the Senate

This bill was received by the Governor this _____ day of
_____, 2003, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to amend, repeal, and add Section 1808.22 of the Vehicle Code, relating to the Department of Motor Vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1675, Longville. Vehicles: Department of Motor Vehicles: records.

Under existing law, the residence address in any record of the Department of Motor Vehicles is confidential, with specified exceptions. One exception applies to an attorney when the attorney states that the motor vehicle or vessel registered owner or driver residential address information is needed in a civil or criminal action, as specified.

This bill would provide that the attorney exemption does not apply to an action or case on behalf of a private parking owner or private parking entity in order to pursue fees on delinquent charges arising from parking notices issued on private property.

Because the unauthorized disclosure of this information would be a crime, this bill would impose a state-mandated local program by expanding the scope of an existing crime.

These provisions would be in effect only until January 1, 2007, and as of that date would be repealed.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 1808.22 of the Vehicle Code is amended to read:

1808.22. (a) Section 1808.21 does not apply to a financial institution licensed by the state or federal government to do business in the State of California which states under penalty of perjury that it has obtained a written waiver of Section 1808.21 signed by the individual whose address is requested, or to



providing the address of any person who has entered into an agreement held by that institution prior to July 1, 1990, so long as that agreement remains in effect.

(b) Section 1808.21 does not apply to an insurance company licensed to do business in California when the company, under penalty of perjury, requests the information for the purpose of obtaining the address of another motorist or vehicle owner involved in an accident with their insured, or requests the information on an individual who has signed a written waiver of Section 1808.21 or the individuals insured under a policy if a named insured of that policy has signed a written waiver.

(c) Section 1808.21 does not apply to an attorney when the attorney states, under penalty of perjury, that the motor vehicle or vessel registered owner or driver residential address information is necessary in order to represent his or her client in a criminal or civil action which directly involves the use of the motor vehicle or vessel that is pending, is to be filed, or is being investigated. Information requested pursuant to this subdivision is subject to all of the following:

(1) The attorney shall state that the criminal or civil action that is pending, is to be filed, or is being investigated relates directly to the use of that motor vehicle or vessel.

(2) The case number, if any, or the names of expected parties to the extent they are known to the attorney requesting the information, shall be listed on the request.

(3) A residence address obtained from the department shall not be used for any purpose other than in furtherance of the case cited or action to be filed or which is being investigated.

(4) If no action is filed within a reasonable time, the residence address information shall be destroyed.

(5) No attorney shall request residence address information pursuant to this subdivision in order to sell the information to any person.

(6) Within 10 days of receipt of a request, the department shall notify every individual whose residence address has been requested pursuant to this subdivision.

(d) As used in subdivision (c), a criminal or civil action or case does not include an action or case taken on behalf of a private parking owner or private parking entity in order to pursue fees or



delinquent charges arising from parking notices issued on private property.

(e) A knowing violation of paragraph (1), (2), (3), (4), or (5) of subdivision (c) is a misdemeanor. A knowing violation of paragraph (1), (2), (3), (4), or (5) of subdivision (c) in furtherance of another crime is subject to the same penalties as that other crime.

(f) This section shall remain in effect only until January 1, 2007, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2007, deletes or extends that date.

SEC. 2. Section 1808.22 is added to the Vehicle Code, to read:

1808.22. (a) Section 1808.21 does not apply to a financial institution licensed by the state or federal government to do business in the State of California which states under penalty of perjury that it has obtained a written waiver of Section 1808.21 signed by the individual whose address is requested, or to providing the address of any person who has entered into an agreement held by that institution prior to July 1, 1990, so long as that agreement remains in effect.

(b) Section 1808.21 does not apply to an insurance company licensed to do business in California when the company, under penalty of perjury, requests the information for the purpose of obtaining the address of another motorist or vehicle owner involved in an accident with their insured, or requests the information on an individual who has signed a written waiver of Section 1808.21 or the individuals insured under a policy if a named insured of that policy has signed a written waiver.

(c) Section 1808.21 does not apply to an attorney when the attorney states, under penalty of perjury, that the motor vehicle or vessel registered owner or driver residential address information is necessary in order to represent his or her client in a criminal or civil action which directly involves the use of the motor vehicle or vessel that is pending, is to be filed, or is being investigated. Information requested pursuant to this subdivision is subject to all of the following:

(1) The attorney shall state that the criminal or civil action that is pending, is to be filed, or is being investigated relates directly to the use of that motor vehicle or vessel.

(2) The case number, if any, or the names of expected parties to the extent they are known to the attorney requesting the information, shall be listed on the request.



(3) A residence address obtained from the department shall not be used for any purpose other than in furtherance of the case cited or action to be filed or which is being investigated.

(4) If no action is filed within a reasonable time, the residence address information shall be destroyed.

(5) No attorney shall request residence address information pursuant to this subdivision in order to sell the information to any person.

(6) Within 10 days of receipt of a request, the department shall notify every individual whose residence address has been requested pursuant to this subdivision.

(d) A knowing violation of paragraph (1), (2), (3), (4), or (5) of subdivision (c) is a misdemeanor. A knowing violation of paragraph (1), (2), (3), (4), or (5) of subdivision (c) in furtherance of another crime is subject to the same penalties as that other crime.

(e) This section shall become operative on January 1, 2007.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



Approved _____, 2003

Governor

